BOMBAY ACT No. LXX OF 1953.[1]

[THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.]

[*22nd December 1953*]

An Act to abolish service inams useful to the community in certain parts of the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish service inams useful to the community in certain parts of the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Service Inams (Useful to Community) Abolition Act, 1953.

(*2*) It extends to the territories formerly comprising of Khandesh, Deccan and Southern Maratha Country and subsequently forming part of the districts of East Khandesh, West Khandesh, Ahmednagar, Nasik, Poona, Satara, Sholapur, Bijapur, Belgaum, Kanara and Dharwar as they existed before the States' Merger (Governor's Provinces) Order, 1949.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed day" means the day on which this Act comes into force;

Bom. V of 1879.

(*b*) "Code" means the Bombay Land Revenue Code, 1879;

(*c*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*d*) "holder" means (except in the expression "inferior holder") a holder of a service inam and includes any person lawfully holding under or through him;

(*e*) "service inam village" or "service inam land" means a village or a portion of a village or land, as the case may be, held in inam by a person for service useful to the community;

(*f*) "service inam" means—

(*i*) a grant of a village, portion of a village, land or total or partial exemption from land revenue held for service useful to the community and entered in the alienation register kept under section 53 of the Code as "Class VI—village servants useful to village communities";

(*ii*) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government for service useful to the community;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "Schedule" means a Schedule appended to this Act;

(*i*) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 458-459.

(*2*) If any question arises whether any grant is a service inam, the State Government shall, having regard to the relevant entries in the alienation records and after holding such inquiry as may be deemed fit, decide the question and such decision shall be final :

Provided that the State Government may authorise any officer to decide such question and subject to an appeal to the State Government his decision shall be final.

Abolition of service inams and rights in respect of such inams.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all service inams shall be deemed to have been abolished and all incidents appertaining thereto shall be deemed to have been extinguished ;

(*2*) all rights to hold office and any liability to render service appertaining to the said inams are hereby extinguished.

Liability of service inam villages and lands to land revenue and persons liable to pay the same.

4. (*1*) All service inam villages and service inam lands which have been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852 XI of 1852. are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages and lands.

(*2*) In the case of service inam land to which sub-section (*1*) applies,

(*a*) where such land is in possession of the holder or in possession of a person (other than an inferior holder) holding from him, the holder and

(*b*) where such land is in possession of an inferior holder holding the same on payment of annual assessment only, such inferior holder,

shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Resumption of service inam land and its regrant to holder.

5. (*1*) All service inam lands which have not been adjudicated under rule 8 of XI of Schedule B to the Bombay Rent-free Estates Act, 1852, are hereby resumed and shall 1852. be liable to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to the unalienated lands shall apply to such lands.

(*2*) A service inam land resumed under the provisions of this Act shall be regranted to the holder on payment of the occupancy price equal to six times the amount of the full assessment of such land within two years from the appointed day and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder :

Provided that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*3*) The occupancy of the land regranted under sub-section (*2*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Compensation in lieu of cash allowance or land revenue.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day shall be paid to such holder;

(*2*) in the case of any land or village, in respect of which the service inam consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the holder.

Method of compensation for abolition, etc., of other rights in land.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed day. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any service inam land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

Court-fees.

VII of 1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Finality of award of Collector and decision of Revenue Tribunal

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of holder and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any service inam village or service inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Discontinuance of application of certain enactments.

14. (*1*) With effect from and on the appointed day the provisions of the enactments specified in the Schedule shall to the extent specified in column 4 thereof cease to apply to all service inams.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed day;

(*b*) any proceeding in respect of such obligation or liability; or

(*c*) anything done in the course of such proceeding in any Court on or before the aforesaid date;

and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULE.

Year.	No.	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	The Bombay Rent-free Estates Act, 1852 ..	The whole Act shall cease to apply.
1863	II	The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1871	XXIII	The Pensions Act, 1871 ..	Do. do.
1926	XI	The Invalidation of Hindu Ceremonial Emoluments Act, 1926.	Sections 5 and 6.